

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

LIBERTY MUTUAL INSURANCE COMPANY,

Plaintiff,

-against-

FAST LANE CAR SERVICE, INC., VIRJILIO
LAJARA, ELIS AGENCY INC., and IRINA GITSIN,

Defendants.

X

Appearances:

For the Plaintiff:

JEFFREY R. KRANTZ, ESQ.
Bennett, Giuliano, McDonnell &
Perrone LLP
225 West 34th Street, Suite 402
New York, New York 10122

MEMORANDUM AND ORDER

Case No. 07-CV-00037 (FB) (CLP)

*For Defendants Fast Lane Car Service,
Inc., and Virjilio Lajara:*

EFRAIN RAMOS, JR., ESQ.
Law Office of Efrain Ramos, Jr.
95-03 101st Avenue
Ozone Park, New York 11416

For Defendant Elis Agency, Inc.:

RICHARD B. LIND, ESQ.
Law Office of Richard B. Lind, Esq.
745 Fifth Avenue, Suite 902
New York, New York 10151

BLOCK, Senior District Judge:

On January 5, 2010, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (“R&R”) recommending that Plaintiff Liberty Mutual Insurance Company (“Liberty”) be awarded damages for unpaid insurance premiums in the amount of \$174,193.00 from Defendants Fast Lane Car Service, Inc., and Virjilio Lajara (collectively, “Fast Lane”).¹ The R&R also recommends that Liberty be awarded prejudgment interest on this sum at 9% per annum from

¹ The Fast Lane defendants are the only remaining defendants; Elis Agency, Inc. and Irina Gitsin entered into a stipulated dismissal with prejudice on April 10, 2008. *See* Docket Entry No. 18.

July 1, 2005, plus post-judgment interest in accordance with 28 U.S.C. § 1961(a). The R&R also stated that failure to object within fourteen days of receipt of the R&R would waive any right to further judicial review. *See* R&R at 17, Docket Entry No. 37. According to the docket, Fast Lane's counsel received electronic notice of the R&R on January 6, 2010; no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error, *see Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000); no such error appears here.

Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 26, 2010